

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

THE UNITED STATES OF AMERICA; et al

v.

ARAKI, Sadao, et al

APPLICATION OF THE ACCUSED ITAGAKI, Seishiro
FOR AN ORDER FOR PRODUCTION OF WITNESSES

Comes now the accused herein, ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following persons as witnesses in his behalf at this trial:

General NISHIO, Toshizo This witness' nationality is Japanese. He is at present in custody at Sugamo Prison, Tokyo, Japan. Was one time Chief of Staff of the Kwantung Army (at which time Itagaki was Assistant Chief of Staff) later Commander-in-Chief of the China Expeditionary Army (at which time Itagaki was Chief of General Staff of the same army).

The facts concerning which this witness can give testimony are:

- (1) That the ideal of establishing a new State in Manchuria was to create in that region an entirely new State realizing all the ideals and wishes of Japanese and persons of all nationalities living therein, and to establish a defense line against Soviet invasion.
- (2) That the Kwantung Army was under strict limitation concerning guidance of the new Government in Manchuria and that after Generals Minami and Itagaki arrived in Manchuria there was improvement of the cooperative attitude of Manchukuo.
- (3) The chief aims of the Kwantung Army towards Northern China after the Tan-Ku Armistice agreement, was to preserve peace in the areas around Manchukuo so that no anti-Japanese disturbances then prevailing in China would affect the Manchurian Administration.
- (4) That the Kwantung Army did not welcome the invasion of Chinese armies into Chahar District, as that would infringe the spirit of the Tan-Ku agreement, but that at the same time it did not support the independent movements of Mongolians in inner Mongolia.
- (5) That the incidents which happened around outer Mongolia and near the Maritime District were due to aggressive policies of Soviet Russia towards Manchuria and Korea

(6) That in respect to the military activities in China no aggressive policy or plan was entertained and their purpose was to obtain speedy settlement of disturbances then extant and bring peace and prosperity between China and Japan.
(7) That the Government under Wang-Chin-Wei was not a puppet Government.

The relevancy of the testimony which this witness will give is that evidence adduced by the prosecution tends to establish that all of aforesaid incidents and matters were part of a plan of Japan to wage aggressive warfare against China and Soviet Russia and the accused proposes to refute such prosecution evidence by the testimony of this witness to the contrary.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal ad testificandum for the production of each of the witnesses at this trial.

The precise date upon which such witnesses testimony will be given is not known to this petitioner but he states that their presence for the purposes of interview and consultation is current.

ITAGAKI, Seishiro

BY _____
Yamada, Honzo

Floyd J. Mattice
His Counsel.